

MINISTERIAL DECISION REPORT APPROVING THE LYTTELTON CARPARKING PROPOSAL TO EXERCISE POWER UNDER SECTION 71 OF THE GREATER CHRISTCHURCH REGENERATION ACT 2016

1. INTRODUCTION

I would like to acknowledge the Council for its role as proponent and also the members of the public who participated during the written comment period.

On 13 September 2019, I received Christchurch City Council's (the Council) Proposal to amend the Christchurch District Plan to exercise my power under section 71 of the Greater Christchurch Regeneration Act 2016 (GCR Act) to:

- **Amend Rule 7.4.3.1 Minimum and maximum number and dimensions of car parking spaces required, in Chapter 7 – Transport, to remove the minimum on-site parking requirements for developments in the Commercial Banks Peninsula Zone in Lyttelton, where that development does not contain more than two residential units. For activities that include more than two residential units, the minimum parking standards would not apply to the first two units.**

Pursuant to section 67 (all references are to the GCR Act unless stated otherwise), on 4 October 2019, I agreed to exercise my powers to proceed with the Lyttelton Carparking Proposal (the Proposal) and to invite public comment for 20 working days under section 68.

The Proposal outlines the issue, proposed solution, intended outcomes, and the specific proposed amendment to the Christchurch District Plan (the District Plan). The Proposal also includes consideration of the alignment with the purposes of the GCR Act, why the exercise of power is reasonably considered necessary, and a consideration of potential alternatives that could achieve the objectives of the Proposal.

The Proposal states that the exercise of power under section 71 of the Act supports regeneration – *“Encouraging the redevelopment of the Lyttelton Commercial Zone by removing the on-site car parking requirements will contribute to ‘regeneration’ of greater Christchurch.”*

I have considered the Proposal, the public written comments received, and the requirements of the GCR Act, and have decided to approve the Proposal (and thus exercise the power in section 71). This report records the decision I have made under sections 69 and 71.

2. THE ISSUE AND PROPOSED DISTRICT PLAN AMENDMENTS

I'm aware that Lyttelton has a strong community that is actively involved in implementing projects in the area, including the Farmers' Market every Saturday on London Street. The town centre includes a range of land uses, including independent retailers, hospitality and small-scale offices.

Lyttelton was badly affected by the Canterbury Earthquakes with a third of buildings on London Street and the surrounding area sustaining extensive damage. There were few, if any, vacant commercial sites in the Lyttelton town centre prior to the February 2011 earthquake. Approximately 23 percent of that land (around 8,768m²) is now vacant and yet to be redeveloped. This is a significant amount of vacant land.

Lyttelton forms part of the Commercial Banks Peninsula Zone which also includes the commercial town centre of Akaroa. The Proposal only applies to Lyttelton. The current District

Plan requires new land use activities in the Lyttelton Commercial Zone to provide a minimum number of on-site car parks.

The on-site parking requirements are proving to be impractical to implement in some cases and are creating uncertainties and delays for landowners. Most of the sites in and around London Street are too small, and topographically constrained to efficiently provide the minimum number of carparks required.

The number of car parks currently required for developments in the Lyttelton Commercial Zone depends on the type of activity (for example, retail, residential commercial services, and education), the likely number of vehicle trips it will attract, and the number of people being catered for.

The Council has been engaging with landowners regarding various development proposals in Lyttelton. These discussions highlighted issues with meeting the minimum parking requirements for a number of sites in the Lyttelton Commercial Zone. As a result of the minimum parking rule, developers have no choice but to undertake costly and time-consuming resource consent processes to avoid having to provide on-site carparks even when it is physically impossible to provide them. This is inefficient, reduces certainty for potential developers and adds to the cost of development.

The Council considers that the rule requiring onsite carparking is inhibiting a number of developments in the Lyttelton Commercial Zone, and therefore the wider regeneration of the town centre.

Approval of the Proposal will mean that people wanting to develop sites in the Lyttelton Commercial Zone will not have to provide on-site parking except for residential developments involving more than two residential units. They will no longer have to apply for resource consent when not providing on-site carparking. This will provide certainty for developers wanting to develop sites.

There is some potential for additional 'overspill' parking occurring in the Lyttelton town centre and the surrounding residential streets as a result of the removal the on-site parking rule. The Council considered this impact in developing the Proposal and is satisfied that the safety and efficiency of the road network will not be significantly impacted. If issues do emerge then the Council will respond through parking management approaches such as residential parking schemes, giving priority to short-term parking and stricter enforcement.

3. PROCESS AND LEGAL REQUIREMENTS

The Council commenced drafting the Proposal in accordance with section 65 to amend the District Plan to resolve the issues with the Lyttelton carparking provisions.

On 12 July 2019, in accordance with section 66, the Council sought the views of the strategic partners, Regenerate Christchurch and the Chief Executive of the Department of the Prime Minister and Cabinet (DPMC) on a draft proposal.

On 13 September, following consideration of the feedback from those parties, the Council finalised the Proposal and provided it to me, as the Associate Minister for Greater Christchurch Regeneration, and also provided it to Regenerate Christchurch pursuant to section 66(4). On 19 September 2019, Regenerate Christchurch provided me with its views on the finalised Proposal.

Pursuant to section 67, on 4 October 2019, I decided to exercise my powers to proceed with the Proposal. In accordance with section 68, the Proposal and the requisite public notice was published on DPMC's website. Additionally, the public notice was also published in the *Gazette*

(15 October 2019), and in *The Press* (16 October 2019). As set out in the public notice, written comments had to be received by 5pm, 14 November 2019.

The GCR Act requires that, in making a decision on whether to approve or decline the Proposal, I must:

- a) take into account the written comments provided during public comment process (section 69(a)) ; and
- b) have particular regard to any views of the strategic partners and Regenerate Christchurch expressed in written comments provided during public comment process (section 69(b)); and
- c) make a decision no later than 30 working days after the date specified in the notice published under section 68 (section 69(c));

I must also:

- ensure that I exercise my power in accordance with one or more purposes of the GCR Act (section 11(1)); and
- exercise that power only where I reasonably consider it necessary (section 11(2)).

4. CONSIDERATIONS

This section summarises my considerations in making my decision to approve the Proposal.

Public written comment

I note that a total of 20 written comments were received. I have read the individual written comments and the summary of comments prepared by DPMC.

I note that under the GCR Act I am not able to amend the Proposal to give effect to specific amendments suggested in some of the public comments. My decision is limited to whether to approve the Proposal pursuant to section 69 (and thus agree to exercise my section 71 power) or to decline the Proposal.

I have taken into account the public written comments received (20 written comments, with 15 supporting the Proposal, 4 opposing the Proposal and 1 neither in support or opposition).

The majority of written comments that supported the Proposal because:

- the parking requirements are inhibiting progress;
- the on-site parking requirements are not appropriate due to the hilly nature and limited space available;
- Lyttelton is well served by public transport and that there should be move towards more public and active transport; and
- Lyttelton needs the town lost in the earthquakes replaced.

The use of section 71 is seen by supporters as necessary to support a focussed regeneration process by enabling the amendment to the District Plan.

Four written comments were received in opposition which outlined that:

- it is already difficult to get parking at peak times;
- the amendment should just apply to small sites;
- business have a requirement to provide parking; and

- the removal of on-site parking will create a more intense feel and overload streets affecting visitors, people with physical impairments.

I am satisfied that the concerns raised in opposition of developments not providing on-site carparking will not result in any significant impact on the surrounding road network. If issues do arise in the future with overspill parking, I am confident that the Council is able to manage these.

Two written comments suggested changes to the layout of street parking including providing angle parking on Norwich Quay and Canterbury Street. This does not form part of the Proposal and is a matter that the Council could consider in the future if overspill parking becomes an issue. As noted earlier, I am not able to amend the Proposal.

The GCR Act requires that I have particular regard to the views of any strategic partners and Regenerate Christchurch. I note that no written comments were received during the public comment period from any strategic partner or from Regenerate Christchurch.

Purposes of the GCR Act (section 11(1))

The Proposal amends the existing District Plan by removing the requirement for development to provide on-site parking (except for residential developments involving more than two residential units) for the Commercial Banks Peninsula Zone in Lyttelton. This will mean that developers will not have to apply for resource consent when not providing on-site carparking. This will provide greater certainty and confidence to developers wanting to redevelop sites in the Lyttelton Commercial Zone and will assist in supporting the regeneration of the Lyttelton town centre.

The GCR Act supports the regeneration of greater Christchurch through five purposes (section 3(1)). Section 11(1) requires me to ensure that I exercise my power to approve the Proposal (and thus agree to exercise my section 71 power) in accordance with one or more of these purposes.

In order to assess this, I have considered how the Proposal will support regeneration as defined in the GCR Act (section 3(2)). I note that regeneration includes “rebuilding in response to the Canterbury earthquakes or otherwise...” (section 3(2)(a)) and “improving the environmental, economic, social, and cultural well-being and the resilience, of communities through-(i) urban renewal and development (section 3(2)(b)).

In my view the Proposal is in accordance with the following purposes:

Enables a focused and expedited regeneration process (section 3(1)(a))

The Proposal will amend the District Plan to address the issues surrounding the regeneration and redevelopment of the Lyttelton town centre. These issues are in part created by the current on-site parking requirements in the District Plan. This is causing uncertainty, costs and delays for potential redevelopment.

Facilitates the ongoing planning and regeneration of greater Christchurch (section 3(1)(b))

The Proposal, which amends the District Plan, will remove one of the more significant impediments to the regeneration of the Lyttelton town centre. The amendment will provide developers with greater certainty about the outcome of consenting processes and provide them with a clearer understanding of the requirements relating to on-site parking. This will enable the faster regeneration of the Lyttelton town centre.

The amendment will enable the rebuilding and urban renewal of Lyttelton town centre with opportunities for commercial, residential and community developments.

Recognises the local leadership of Canterbury Regional Council, Christchurch City Council, Regenerate Christchurch, and Te Rūnanga o Ngāi Tahu and provides them with a role in decision making under the Act (section 3(1)(d))

The Council as administrator of the District Plan recognised that the requirement to provide on-site carparking was impacting on the regeneration of the Lyttelton town centre. The Council then developed the Proposal to resolve this. The Proposal supports local leadership and Council decision making.

Necessity Test (section 11(2))

I must reasonably consider that approving the Proposal is necessary before I can approve it.

The Proposal is the most efficient way to deal with the on-site parking requirements. Other possible alternatives do not address the issue in such a direct, focussed and efficient way. The alternatives being:

- **Standard Resource Management Act 1991 (RMA) process:** The Council would have to prepare a plan change, which I understand it is unlikely to do for just this Lyttelton issue. It would then have to notify for public submissions and further submissions, and hold a hearing if required. This can be a lengthy process due to the number of steps and can take at least 12 months. The plan change process does not address the issues facing Lyttelton redevelopment with the same urgency, focus and efficiency that the section 71 process provides.
- **Streamlined RMA plan change process:** I understand the proposed amendment to the District Plan would unlikely meet any of the criteria set out in the RMA for a streamlined plan change process.
- **Resource consent based on current Christchurch District Plan:** This is the status quo and it has not resolved the issue. Developers would continue to have to submit resource consent applications to not provide some or all of the required parking. Each applicant has to provide an analysis i.e. detailed traffic assessments and rational of why they cannot provide the required on-site carparking. Each resource consent application is assessed by the Council on its merits and is considered and decided under the RMA. The resource consent process is not working efficiently as it currently creates uncertainty, delays in development and additional costs to both the applicants and the Council. Also, the resource consent process does not address the wider regeneration of the Lyttelton town centre in an integrated manner.
- **Regeneration Plan or amendment to the Land Use Recovery Plan:** While these GCR Act processes could be used, I do not consider it appropriate for the nature of the Proposal. The development of a Regeneration Plan or an amendment to the Land Use Recovery Plan is better suited to more complex land use proposals across wider areas, land uses and zones. The matters addressed in the Proposal do not require a Regeneration Plan process or an amendment to the Land Use Recovery Plan. I also note that a Regeneration Plan process or amendment to the existing Recovery Plan would take significantly longer than a section 71 process.

Overall, the alternative options considered do not provide for the same focused, discrete, efficient and certain process as the section 71 process. I believe the alternatives could also fail to fully resolve the uncertainty for the community. In comparison, the Proposal will enable a focused and expedited regeneration process by providing greater clarity and certainty for landowners and developers.

I do consider that exercising my power to approve the Proposal is necessary. My approval is necessary to enable a focused and expedited regeneration process and facilitate the ongoing planning and regeneration of the Lyttelton town centre and greater Christchurch given that:

- The Proposal is the most efficient way to address these issues and other possible alternatives would not address this in such a direct, focussed, efficient or certain way.
- That the status quo (i.e. the resource consent process) is not working efficiently.
- It will facilitate the necessary and discrete amendment to the District Plan.
- It will provide greater development certainty and enable regeneration of the Lyttelton town centre.

5. DECISION

Taking the above into account, I consider that approving the Proposal is in accordance with one or more purposes of section 3(1) of the GCR Act.

I consider the use of section 71 of the GCR Act is necessary to support a focused regeneration process and that none of the possible alternatives would be as direct, focused, efficient or certain.

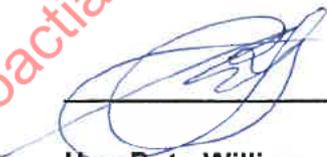
In making my decision I have read and taken into account all the public comments received from the public comment process.

Finally, I have also made my decision within 30 working days after the end of the written comment period (section 69(c)).

6. CONCLUSION

I have made the decision to approve the Proposal and to exercise my section 71 power for the reasons set out in this report.

I am happy to be able to approve the Lyttelton Carparking Proposal in the knowledge that it will support the regeneration of the local affected communities and that it meets the required legislative tests.



Hon Poto Williams

Associate Minister for Greater Christchurch Regeneration

Date: 3 December 2019